

From: Therese COCHLIN [therese.cochlin@rcmp-grc.gc.ca]
Sent: Tuesday, October 25, 2011 6:31 PM
To: Roe, Susan (USAWAW)
Subject: Witness - Glen Stewart

Sue,


On October 25, 2011 at approximately 1648 hours, Mr. Glen Stewart called and said he had spoken to his lawyer and had decided he would not be a witness for the ROSENAU case. I asked Mr. Stewart who his lawyer is and he said he couldn't remember. When I asked him further about it, he simply said he had been advised not to speak with the U. S. attorneys.

I asked Mr. Stewart if anyone had contacted him about this case and, once again, all he said is he had been "advised" not to talk to the U.S. and said he "...just didn't want to get into that." The total length of the call was only 3 or 4 minutes and it seemed to me like he wanted to deliver the news and hang up, which is in sharp contrast to how personable and hospitable he and his wife had been on the two occasions I met with them to set up the interview.

In any event, Mr. Stewart is not available to meet with us tomorrow.

Therese

Cpl. Therese Cochlin
Integrated Border Enforcement Team
E Division Border Integrity Program
Royal Canadian Mounted Police
Desk: [REDACTED]
Cell: [REDACTED]
Email: therese.cochlin@rcmp-grc.gc.ca





Royal Canadian Gendarmerie royale
Mounted Police du Canada

Security Classification / Designation
Classification / Désignation sécuritaire

October 31, 2011

Your file Votre référence

Our file Notre référence

Susan M. Roe
AUSA – WDWA
700 Stewart Street, #5220
Seattle, Washington 98101
206-553-1077

Re: Regina v Henry Carl Rosenau File #2502 Vancouver [BC] Registry

Dear Ms Roe:

In reference to our tele-discussion on Friday, Oct 28, 2011, as well as correspondence forwarded to you on that date with respect to the Rosenau matter, I can confirm that the RCMP has been responding to requests from the United States in preparation of its prosecution of Mr. Rosenau; but since October 25, 2011 and in light of Mr. Rosenau's Notice of Application, noted above, I have advised the RCMP not to testify in, or provide evidence for the U.S. prosecution pending the determination of the Rosenau matter in the Supreme Court of British Columbia or unless authorized to do so by way of MLAT process.

Should you require further assistance regarding this matter, do not hesitate to contact me.

Regards,

Les Rose, Counsel
Legal Advisory Section
RCMP – Criminal Operations
Department of Justice

Roe, Susan (USAWAW)

From: Roe, Susan (USAWAW)
Sent: Thursday, November 03, 2011 5:26 PM
To: 'Prior, Robert'
Subject: RE: Requesting your thoughtful assistance
Attachments: Govt Motion to Revoke Attachments.pdf

Yes he is very willing and is willing even in spite of the Order.

May I send you the correspondence between Roberts and the witness leading up to this? Whelpley enlisted the help of Robert Moffat, Vernon lawyer, who sent a letter or two on his behalf. Whelpley didn't have any money to pay him to go to Quesnell and fight it.

From: Prior, Robert [<mailto:Robert.Prior@ppsc-sppc.gc.ca>]
Sent: Thursday, November 03, 2011 5:12 PM
To: Roe, Susan (USAWAW)
Subject: RE: Requesting your thoughtful assistance

I will be back in the office tomorrow. [REDACTED] What we might want to consider, assuming the order is real, is whether we can seek a variation to allow him to do to the US. He is claiming that is he prepared to go, but for the order? I am curious - did he know he would be a witness in march of 2011?

-----Original Message-----

From: Roe, Susan (USAWAW) [<mailto:Susan.Roe@usdoj.gov>]
Sent: Thu 2011-11-03 3:51 PM
To: Prior, Robert
Subject: RE: Requesting your thoughtful assistance

Yes although I would prefer not since he is a central witness and will identify lots of exhibits. Our trial date is in abeyance, based on Rosenau's shenanigans.

I am to report to the Court on Wed, 11/9 at 9:00 regarding the status of the impediments in Canada. She will then give us a new trial date and I'm guessing she hopes for late November or early December (but I'm guessing). His speedy trial ends on Monday 11/28, however that can be extended if there is a motion pending or if an MLAT is required.

From: Prior, Robert [<mailto:Robert.Prior@ppsc-sppc.gc.ca>]
Sent: Thursday, November 03, 2011 3:46 PM
To: Roe, Susan (USAWAW)
Subject: Re: Requesting your thoughtful assistance

Susan can a person testify via video link in District Court? That is an option to consider if the issue cannot be addressed before your trial date.

From: Roe, Susan (USAWAW) [<mailto:Susan.Roe@usdoj.gov>]
Sent: Thursday, November 03, 2011 04:52 PM

To: Prior, Robert
Subject: Requesting your thoughtful assistance

Hello Bob,

I hope this email finds you well. You are our go-to guy on all legal matters Canadian, so may I ask your thoughts on a new situation?

I am preparing for trial against a Canadian, Henry Rosenau. He fought extradition for years but now is here. He was a helicopter pilot for the drug groups including the UN.

We have, and need the testimony of, a Canadian man named Kip Whelpley. We recently learned that our defendant, Rosenau, filed a civil claim of some sort against Whelpley in January 2011. Whelpley was notified and served via a man named Paddy Roberts who said he was acting as Rosenau's "agent." We have these e-mails. Rosenau's extradition attorney is Gary Botting.

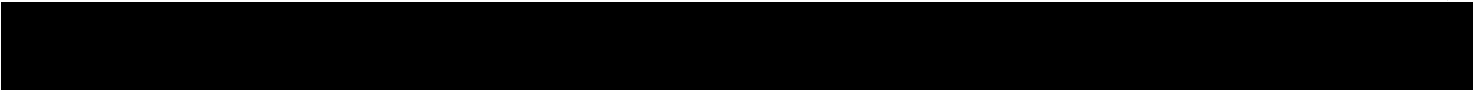
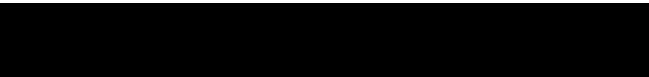
Whelpley, who lives near Vernon, had no money to defend and a default Order was entered in Quesnell, the defendant's home. The Order purportedly prohibits Whelpley from leaving Canada to testify in the United States and allows damages, general, specific and punitive, if he disregards the Order. It appears vexatious and against public policy, however I have no information other than it is a facially valid Order

I am looking for an avenue to have this Order set aside so that Whelpley can testify. As you may imagine, we are uncomfortable asking a witness to disregard a Court Order. Also we cannot hold him harmless should damages be assessed.

Thoughts? Creative ideas? List of Pro Bono attorneys who might want to help? Thank you so much.


SUSAN M. ROE

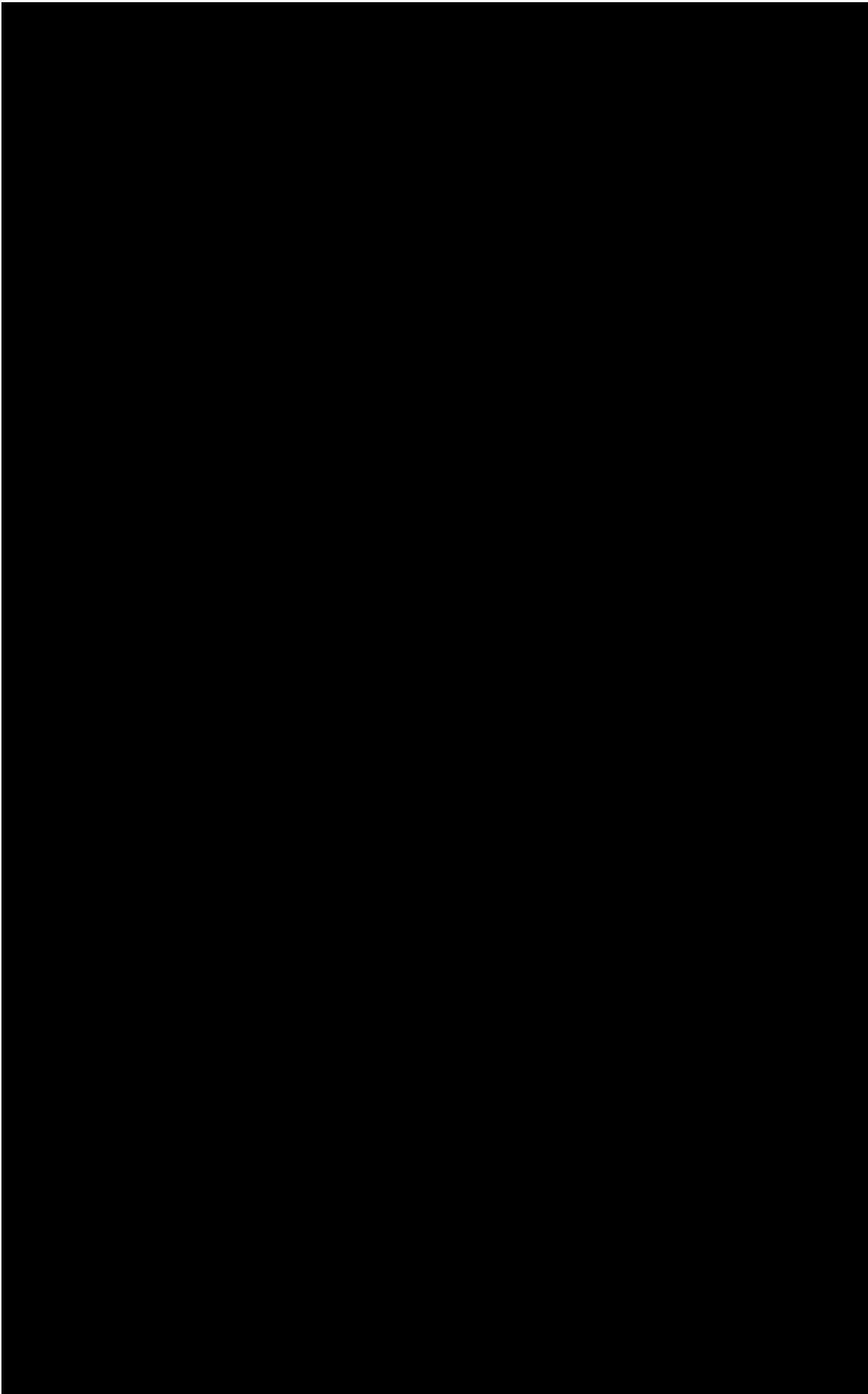
AUSA - WDWA
206-553-1077/206-553-8637 (working area for the trial)

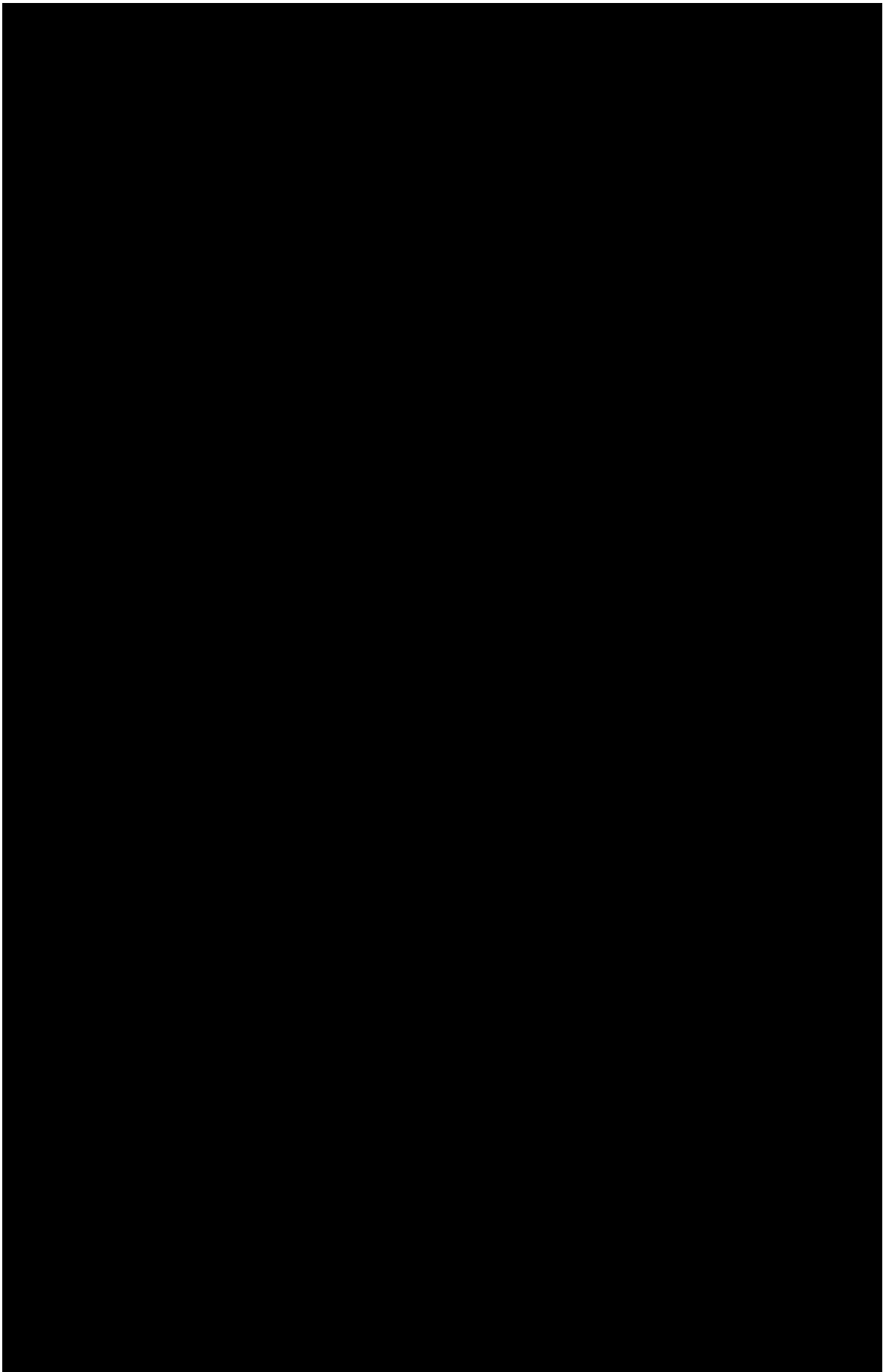



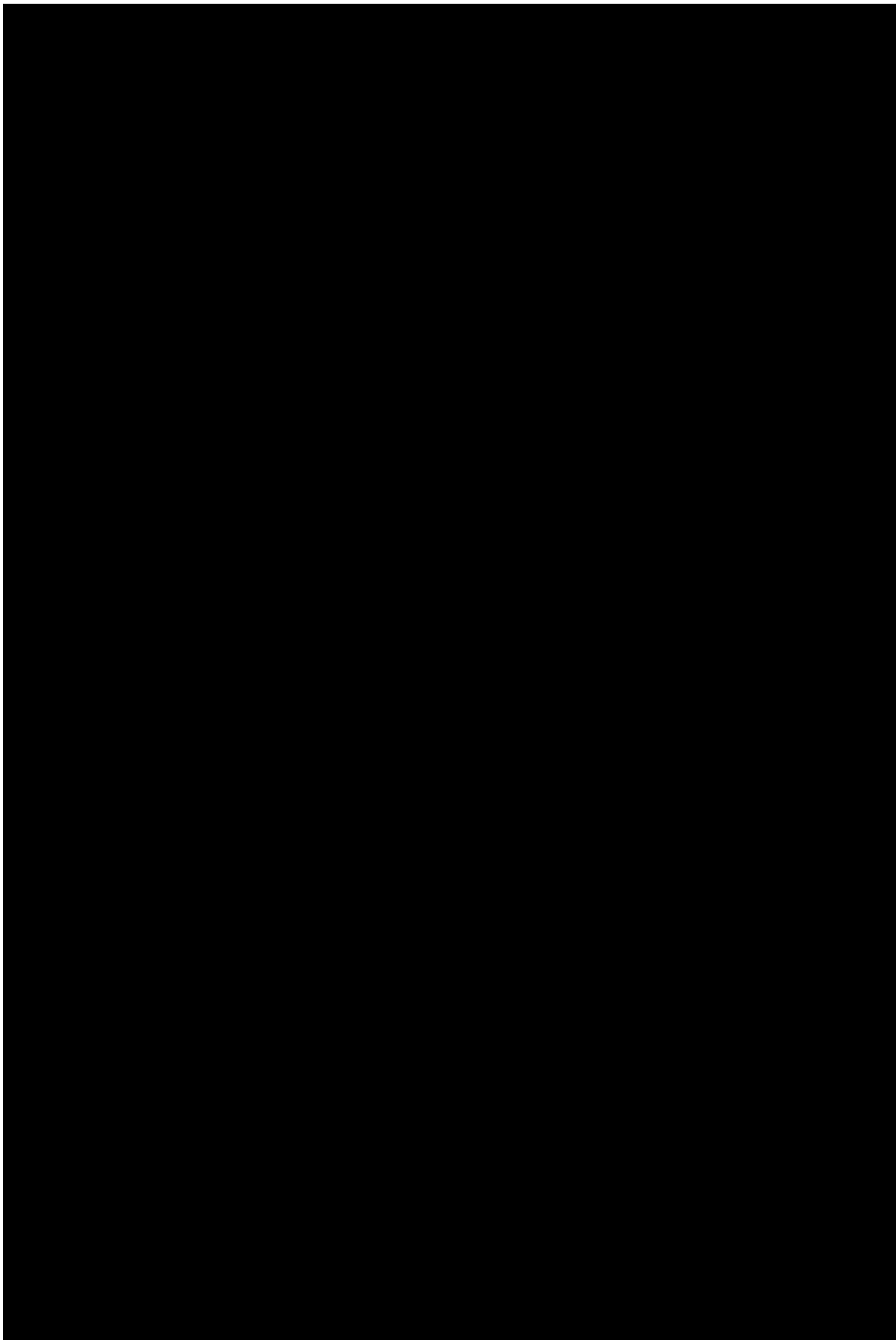
N:\SRoe\Rosenau

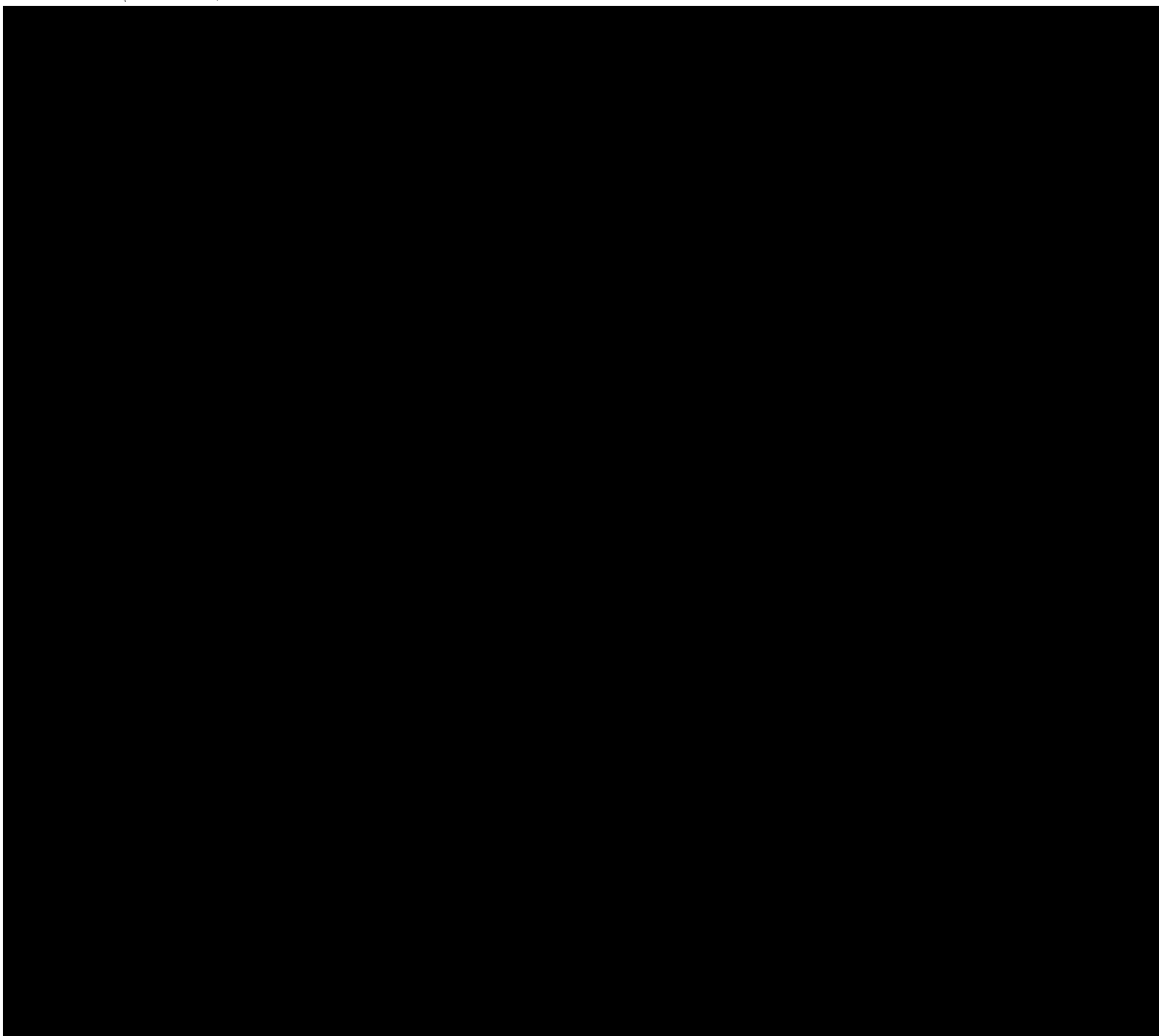
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MLAT first draft.wpd	22KB	WordPerfect X4 Document	11/28/2011 7:48 PM
MLAT another Working Version.wpd	127KB	WordPerfect X4 Document	11/28/2011 7:49 PM
Canadian Wit INFO.wpd	9,478	WordPerfect X4 Document	11/30/2011 6:01 PM
MLAT Nov 30 Excerpt.wpd	5,340	WordPerfect X4 Document	11/30/2011 6:02 PM
MLAT Nov 30 Working Version.wpd	162KB	WordPerfect X4 Document	12/14/2011 9:25 PM
MLAT Dec 14 Working Version.wpd	175KB	WordPerfect X4 Document	12/15/2011 8:15 PM
MLAT Dec 19 Working Version.wpd	165KB	WordPerfect X4 Document	12/19/2011 6:09 PM
MLAT Dec 21 Working Version.wpd	166KB	WordPerfect X4 Document	12/21/2011 10:06 AM
whelpley letter requesting counsel.pdf	49KB	Adobe Acrobat Document	12/23/2011 1:00 PM
whelpley acknowledgement of conditions.pdf	109KB	Adobe Acrobat Document	12/23/2011 1:01 PM
MLAT Dec 27 Working Version.wpd	171KB	WordPerfect X4 Document	12/28/2011 1:44 PM
MLAT Dec 28 Working Version.wpd	174KB	WordPerfect X4 Document	12/29/2011 1:12 PM
MLAT Dec 29 Working Version.wpd	180KB	WordPerfect X4 Document	12/29/2011 5:34 PM
MLAT Dec 30 Working Version.wpd	180KB	WordPerfect X4 Document	12/30/2011 12:06 PM
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MLAT (DRAFT2 Jan 10).wpd	175KB	WordPerfect X4 Document	1/11/2012 9:32 AM
MLAT from WDWA DRAFT Jan 11.wpd	175KB	WordPerfect X4 Document	1/11/2012 5:20 PM
Status Pleading Jan 19 2012.wpd	28KB	WordPerfect X4 Document	1/18/2012 12:54 PM
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Jan 30 Sample MLAT for Taking Depos.wpd	104KB	WordPerfect X4 Document	1/30/2012 3:10 PM
Jan 30 Proposed Order - Rule 15 Deposition - Shmuckler final.wpd	19KB		
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Jan 30 MLAT - Rule 15 Deposition - Immunity Letter.pdf	46KB	Adobe Acrobat Document	
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MLAT Jan 31.wpd	151KB	WordPerfect X4 Document	2/1/2012 6:45 PM
Proposed Order for Trial Continuance Feb 2012.wpd	27KB	WordPerfect X4 Document	2/16/2012 2:14 PM
Status Pleading Feb 16 2012.wpd	30KB	WordPerfect X4 Document	2/16/2012 2:15 PM
Status Pleading Response Feb 2012.pdf	20KB	Adobe Acrobat Document	2/17/2012 9:15 AM
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Who will execute my MLAT request.wpd	21KB	WordPerfect X4 Document	2/22/2012 12:29 PM
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Reply re Status Pleading Feb 2012.pdf	53KB	Adobe Acrobat Document	2/22/2012 5:02 PM
Reply Feb 22 Exhibit 2 - Rosenau.pdf	267KB	Adobe Acrobat Document	2/22/2012 5:13 PM
Feb 22 Reply Exhibit 1 - Rosenau.pdf	462KB	Adobe Acrobat Document	2/22/2012 5:14 PM
US - ROSENAU - letter to OIA 2012 02 24 (2).pdf	153KB	Adobe Acrobat Document	2/24/2012 3:10 PM
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Memo for Representation.wpd	135KB	WordPerfect X4 Document	2/28/2012 7:31 PM
28 CER s 50 15 2-28-12 1951.wpd	141KB	WordPerfect X4 Document	2/28/2012 7:31 PM
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Motion RENOTED for Foreign Deposition.wpd	41KB	WordPerfect X4 Document	3/2/2012 11:11 AM
Jonathan Welch Email.html	30KB	HTML Document	3/2/2012 12:44 PM
Witness Deposition Renoted Order.wpd	16KB	WordPerfect X4 Document	3/2/2012 12:56 PM
MLAT Letter March 2012.wpd	25KB	WordPerfect X4 Document	3/2/2012 6:05 PM
MLAT Canadas Questions.wpd	6,347	WordPerfect X4 Document	3/2/2012 6:05 PM
Rosenau Oct 28 2011 hearing transcript (2).pdf	164KB	Adobe Acrobat Document	3/2/2012 6:07 PM
BC case re Sending Order.pdf	3,814KB	Adobe Acrobat Document	3/5/2012 1:46 PM
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Request for ruling regarding procedue of depositions.wpd	37KB	WordPerfect X4 Document	
	3/6/2012 11:02 AM		
Canada Country Clearance Request Questionnaire2009.wpd	34KB	WordPerfect X4 Document	
	3/6/2012 12:50 PM		
Def Response to Renoted Motion for dep.pdf	219KB	Adobe Acrobat Document	3/9/2012 10:42 AM
Def Reply Renoted Exh 1.pdf	63KB	Adobe Acrobat Document	3/9/2012 10:46 AM
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Def Response Reply Exh 3.pdf	397KB	Adobe Acrobat Document	3/9/2012 10:49 AM
Objection Def to trial date.pdf	76KB	Adobe Acrobat Document	3/9/2012 10:51 AM
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Country Clearance MARCH 2012.wpd	42KB	WordPerfect X4 Document	3/16/2012 12:27 PM
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	3/21/2012 10:01 AM		
Exhibit List March 20.wpd	13KB	WordPerfect X4 Document	3/22/2012 12:52 PM
March 22 Oral Argument.wpd	2,906	WordPerfect X4 Document	3/23/2012 12:05 PM
Order denying Wit Deposition.pdf	26KB	Adobe Acrobat Document	3/26/2012 8:19 AM
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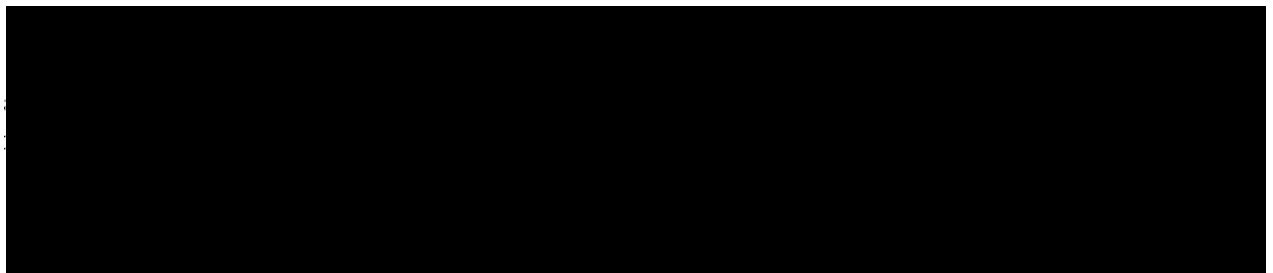
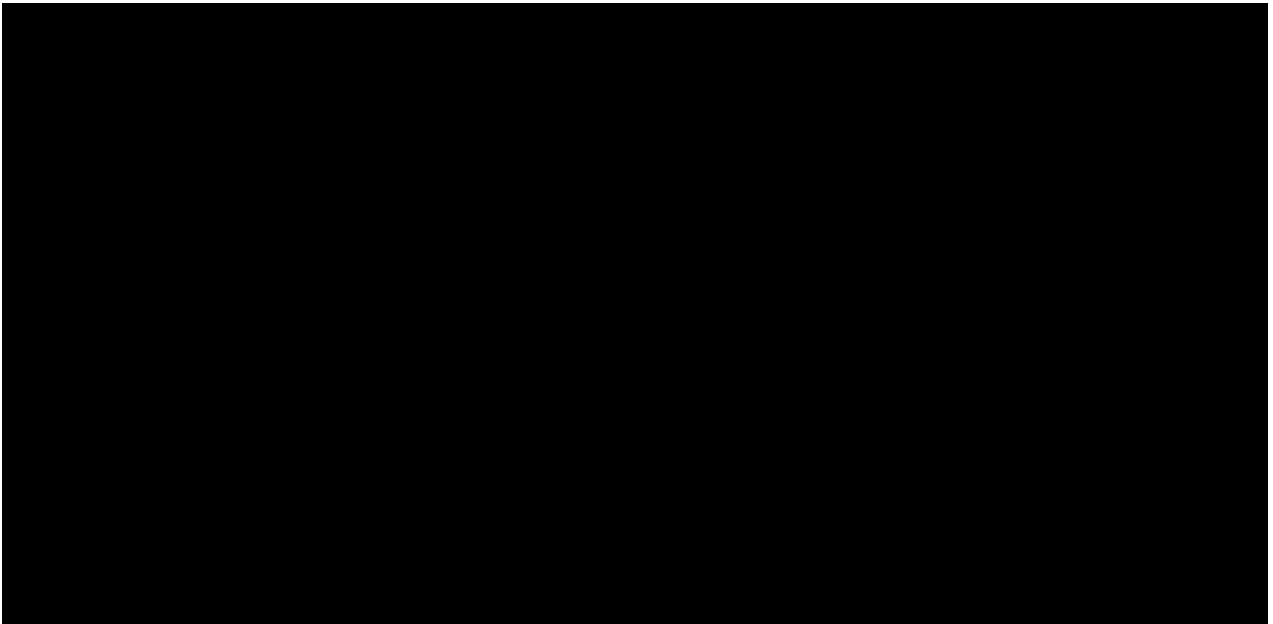
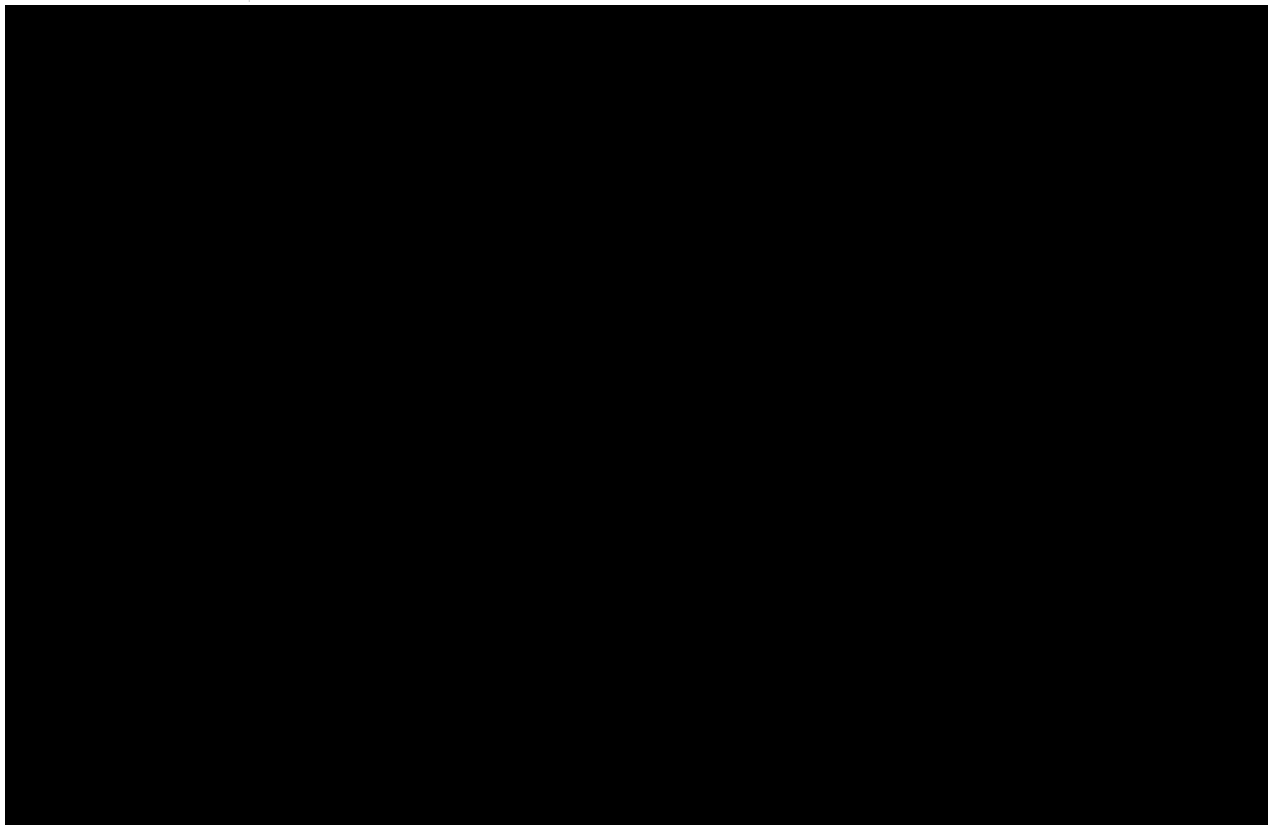
MLAT first draft

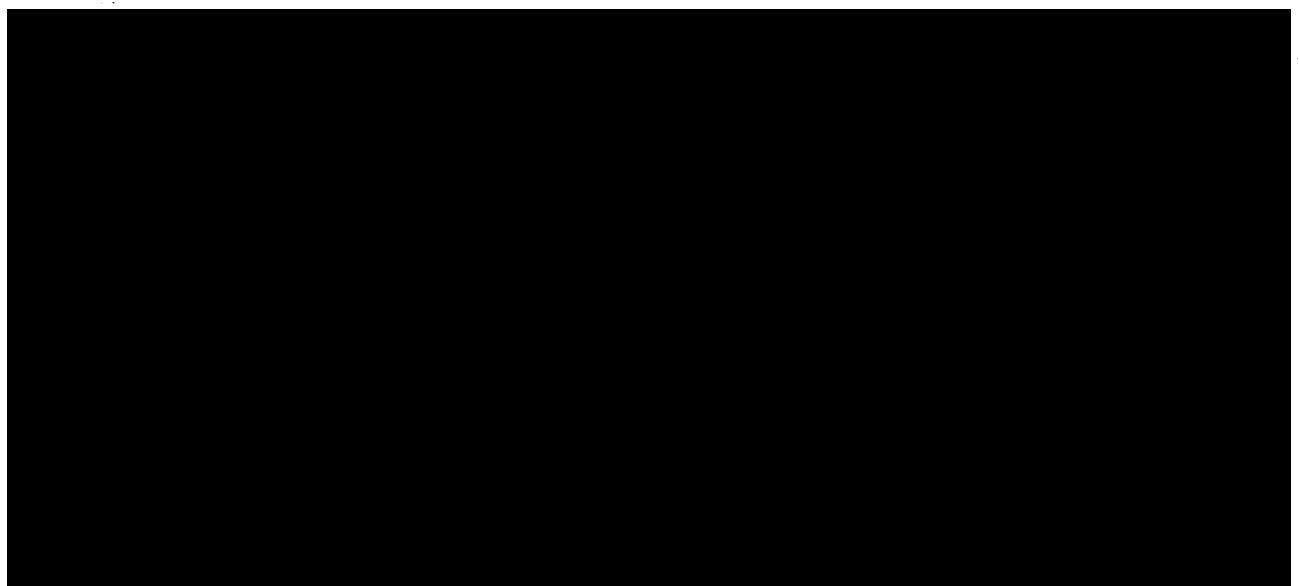
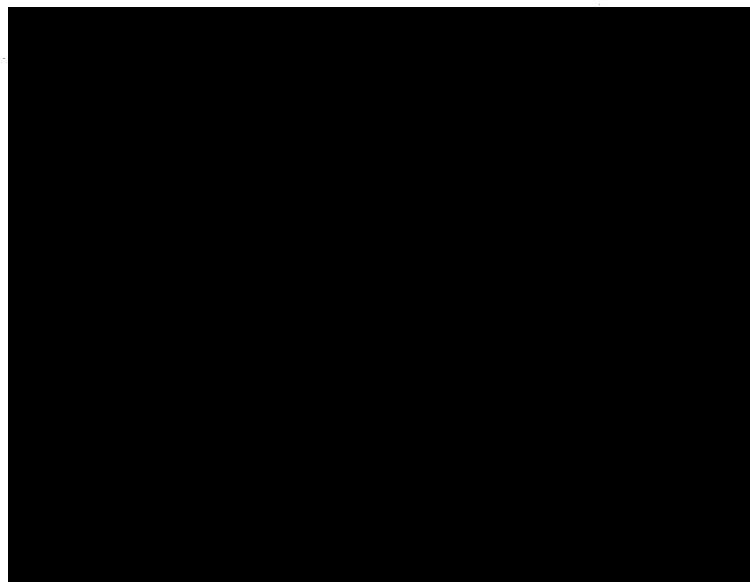
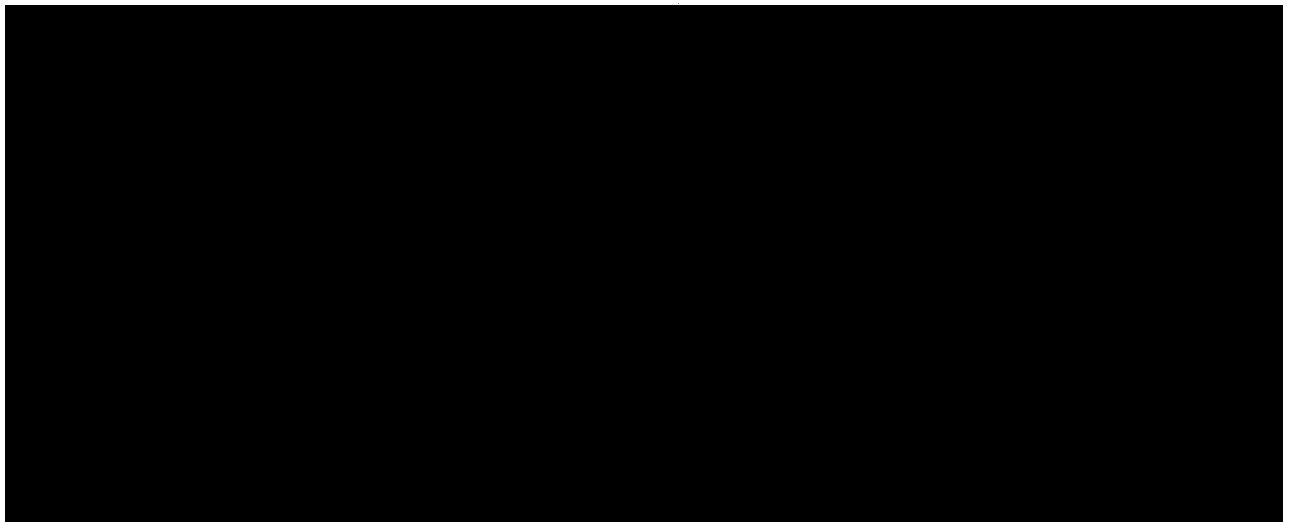
The prosecutor respectfully requests that the Government of Canada require [REDACTED]

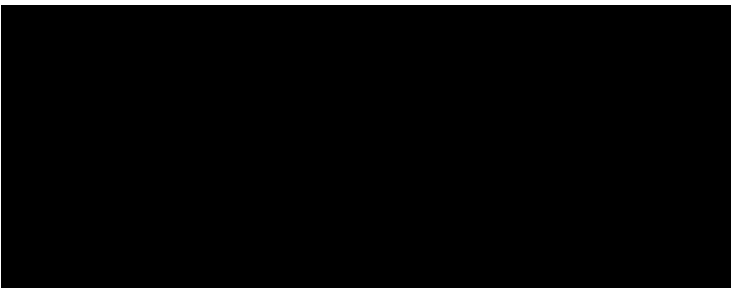
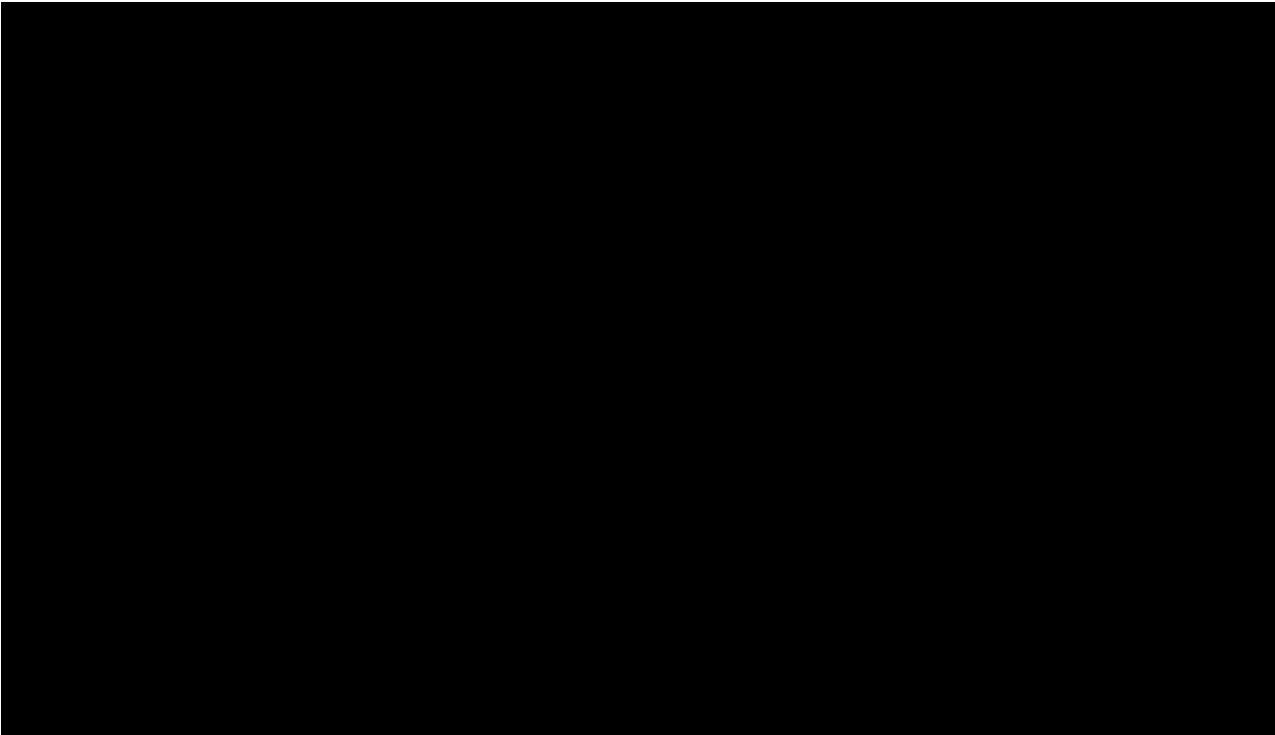
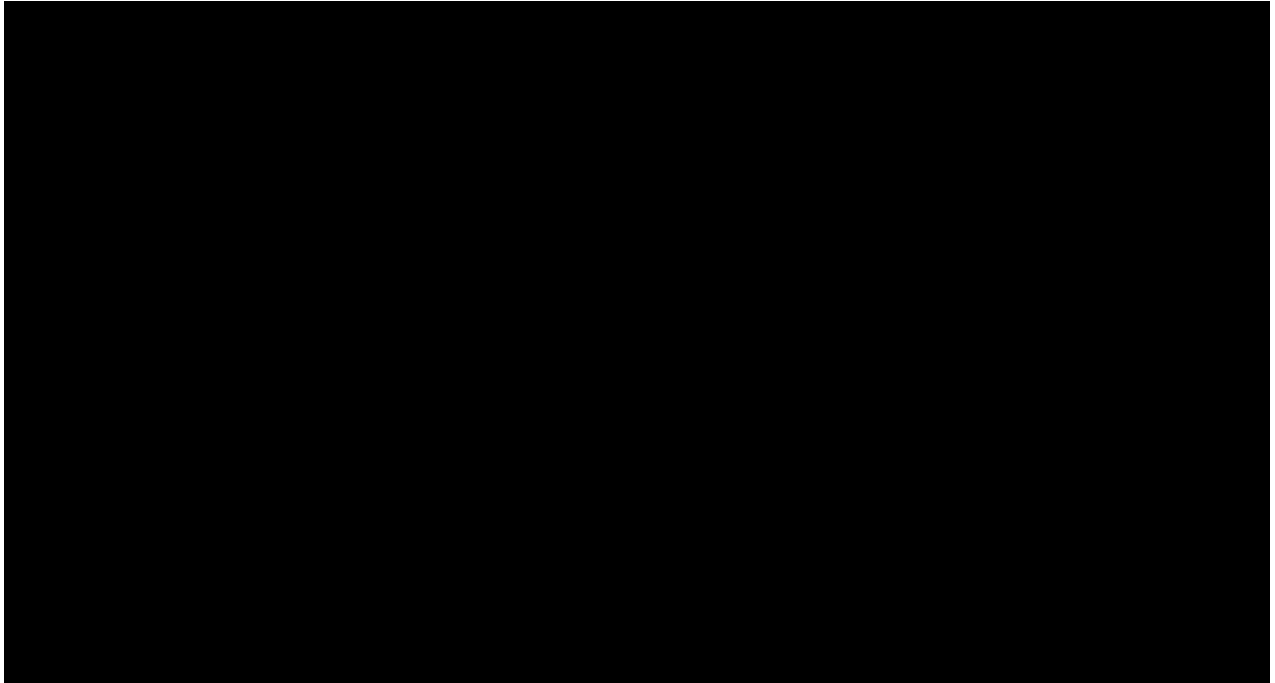
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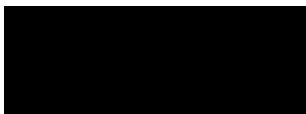
[REDACTED]

[REDACTED]









Roe, Susan (USAWAW)

From: Chaban, Roman [Roman.Chaban@usdoj.gov]
Sent: Wednesday, December 21, 2011 9:09 AM
To: Roe, Susan (USAWAW)
Cc: Oldham, Anastasia (CRM)
Subject: RE: MLAT for Canada in US v. Rosenau

[REDACTED]

Attached please find two samples that together encompass a request for witnesses, official records and business records. Please play with your draft (but take your time). Besides the sourcing issue in the facts, and making sure all the witnesses are noted somewhere therein, under documents needed, there should be a section just for witnesses, for official records and for business records. Then note the three above sections in the procedures requested section.

Last, along with the draft MLAT, please send the subpoena for the CBSA agent.

Thanks,
Roman

[REDACTED]

From: Roe, Susan (USAWAW) [mailto:Susan.Roe@usdoj.gov]
Sent: Wednesday, December 21, 2011 11:42 AM
To: Chaban, Roman
Subject: RE: MLAT for Canada in US v. Rosenau

Hi Roman,
Tell me when you'll call and I'll be standing at the ready.
Thanks
Susie Roe
206-553-1077

From: Chaban, Roman [mailto:Roman.Chaban@usdoj.gov]
Sent: Tuesday, December 20, 2011 10:59 AM
To: Roe, Susan (USAWAW)
Subject: FW: MLAT for Canada in US v. Rosenau

Hi Susan,

Hi there – this is Roman. I started looking at you request and have a couple of questions – you around either later today or tomorrow for a quick chat?

[REDACTED]

From: Olson, Jeffrey

Sent: Tuesday, December 20, 2011 11:42 AM
To: Graham, Marketha
Cc: Chaban, Roman; Oldham, Anastasia
Subject: FW: MLAT for Canada in US v. Rosenau

Hi Marketha,

Please open a file for this new MLAT request to Canada. Roman, please handle and let me know if you have questions. There's some background to this.

Thanks,
Jeff

Jeffrey Olson
DOJ/OIA
(202) 616-0714

From: Roe, Susan (USAFAW) [<mailto:Susan.Roe@usdoj.gov>]
Sent: Monday, December 19, 2011 8:13 PM
To: Olson, Jeffrey
Subject: MLAT for Canada in US v. Rosenau

Hi Jeff [REDACTED]

We have been waiting on Whelpley's request for legal representation so that I could put it in the MLAT request. It's finally on its way and I am unclear as to why it has taken so long. Anyway here is my working MLAT. We have tons of witnesses, as you can see, since we had to include all of the RCMP members.

Return it with your many corrections and suggestions – [REDACTED]
[REDACTED]

Thanks

Susie Roe << File: MLAT Dec 19 Working Version.wpd >>

Roe, Susan (USAWAW)

From: Chaban, Roman [Roman.Chaban@usdoj.gov]
Sent: Wednesday, December 21, 2011 9:09 AM
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To: Roe, Susan (USAWAW)
Subject: FW: MLAT for Canada in US v. Rosenau

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[REDACTED]

From: Olson, Jeffrey

Roe, Susan (USAWAW)

From: Chaban, Roman [Roman.Chaban@usdoj.gov]
Sent: Monday, January 30, 2012 12:17 PM
To: Roe, Susan (USAWAW)
Cc: Oldham, Anastasia (CRM)
Subject: RE: how about noon my time? I'll call

[REDACTED]

As we talked about – add in the beginning why there is a delay and why we are doing this MLAT (explain what happened with the TRO...).

Facts are fine, then divide the “Need for Assistance” into three sections: Testimony, Depositions and Official records. Take the sample I am sending for Depositions and insert into our MLAT for Whelply and Miraback. Then for the “Procedures Requested, again for the depo section, add from the sample. PLEASE USE THE ATTACHED ROSENAU VERSION.

FYI – we can omit SWANSON from this MLAT – Canada confirmed that since he is cooperating and a non-party to the civil judgment, he does not need to be included here.

When ready, please send also send me all the subpoenas – for RCMP, CBSA and Transport Canada.

Call with any questions

Thank you as always!
Roman



Sample MLAT for
Taking Depos.w...



Proposed Order -
Rule 15 Depos...



MLAT - Rule 15
Deposition - Im...



Rosenau MLAT
(DRAFT3).wpd

From: Roe, Susan (USAWAW) [mailto:Susan.Roe@usdoj.gov]
Sent: Monday, January 30, 2012 1:47 PM
To: Chaban, Roman
Subject: how about noon my time? I'll call